genuinely aggrieved subscribers from questioning their account. In the Ombudsman's experience the majority of such disputes were from people with a genuine concern about the metering of their calls. Telecom has since decided not to proceed with the proposal.

Transfer of sick leave entitlements to Australian Public Service from certain previous employment

The Ombudsman recently considered several complaints that led him to question whether it is reasonable for the Public Service Act (s.47E) to provide for only a 2 month gap in employment for the carry-over of sick leave from certain recognised prior service, with no flexibility for exceptional circumstances. The immutable 2 month period poses a particular problem for permanent officers of the Australian Defence Force seeking to join the Australian Public Service, because of the requirement for them to give an acceptable period of notice before leaving the defence forces. The Ombudsman has recommended to the Department of Industrial Relations that it consider this issue.

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A D M I N I S T R A T I V E L A W W A T C H

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Senate rejects Administrative Decisions (Judicial Review) Amendment Bill 1987

On 20 April 1988 the Senate voted to reject the Administrative Decisions (Judicial Review) Amendment Bill. In the second reading debate on the Bill, reference was made to the recommendation in the report of the Senate Standing Committee on Constitutional and Legal Affairs on the Bill, that the 'reverse onus' provisions in proposed sections 10(2)(c) and 10(2)(d) of the Bill not be enacted (see [1988] Admin Review 17). Reference was also made to the Council's Report No. 26, Review of the Administrative Decisions (Judicial Review) Act 1977 - Stage One and the fact that the provisions in the Bill went further than the Council's recommendations in that report. The amendments contained in the Bill would require the Federal Court to refuse to grant an application unless the applicant satisfies it that the interests of justice require that it should not refuse. Recommendation 1(3) in the Council's report, by comparison, followed the existing section 10(2)(b) by giving the court a discretion to refuse relief where an alternative remedy was available. The proposed provision in the Bill would reverse the effect of Kelly v Coats (1981) 35 ALR 93, in which the Federal Court said that the onus under section 10(2)(b) of the Act is on those seeking to persuade the court that it should not exercise the jurisdiction conferred under the Act to hear the application.

It is understood that the government does not presently have plans to bring forward a fresh Bill dealing with the matters addressed by the Council in Report No. 26.

Committee to Advise on Australia's Immigration Policies (CAAIP) - exposure draft of Migration Bill

The Committee to Advise on Australia's Immigration Policies (CAAIP) was established in September 1987. CAAIP initially was to report by the end of March 1988 but the report was delayed. CAAIP appointed a legal panel to look specifically at reform of the Migration Act 1958. The panel produced a draft Bill for discussion. It was the subject of a seminar held by CAAIP on 12-13 February 1988.

Some of the initial proposals of the legal panel of CAAIP were that:

- the legislation specify principles and criteria for decision making;
- there be a one tier system of external review on the merits by the AAT complemented by an effective internal review system; as a consequence, Immigration Review Panels be abolished;
- internal review be triggered by an appeal to the AAT;
- standing to appeal be available to any person physically in Australia who has been the subject of an adverse immigration decision (not including unsuccessful refugee status claimants) and also to most Australian sponsors;
- in all cases except revocation of resident status on criminal or security grounds, the AAT have determinative powers in merits review.

The Council in Report No. 25, Review of Migration Decisions had recommended a two tier review on the merits structure comprising immigration adjudicators at the first level and the AAT at the second level with review by adjudicators being a prerequisite to AAT review in most cases. The Council in its Report did not envisage the unusual provision that internal review would only be triggered by an appeal to the AAT and thus would follow, rather than precede, the approach to an external review body.

Council discussion paper on review of decisions under the Commonwealth R&D scheme and under the Management and Investment Companies program

As mentioned above, the Council on 6 April 1988 released a discussion paper suggesting that certain key decisions affecting the tax deductibility of expenditure incurred by Australian companies on industrial research and development should be made subject to review by the AAT. The paper also argues that certain decisions under the Management and Investment Companies Program which are not presently reviewable should be made subject to review by the AAT. A particular argument of interest in the paper is the argument that it is inappropriate for the AAT to review decisions of